IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

KEVIN C. McDONALD **PLAINTIFF**

v. **No. 4:12-cv-725-DPM**

FREIGHT SYSTEMS INC. **DEFENDANT**

ORDER

Counsel has asked Chambers informally whether Court approval of any settlement in this Fair Labor Standards Act case is necessary. The Court believes it is. This is an open question in the Eighth Circuit. But the better-reasoned precedent reflects the propriety of the Court "scrutinizing the settlement for fairness." *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982); *compare Martin v. Spring Break '83 Productions, LLC*, 688 F.3d 247 (5th Cir. 2012). This Court, speaking through other Judges, has followed *Lynn's Food Stores*. *E.g., Hollomon v. AT&T Mobility Services, LLC*, 4:11-cv-600-BRW, *№ 15*, 2012 U.S. Dist. Lexis 66158 (E.D. Ark. 11 May 2012); *Brown v. L&P Industries*, No. 5:04-cv-379-JLH, *№ 47*, 2005 U.S. Dist. Lexis 39920 (E.D. Ark. 21 Dec. 2005).

Given the disparate bargaining power between employers and employees, Court approval ensures that the parties' proposed agreement is

"a reasonable compromise of disputed issues [and not] a mere waiver of statutory rights brought about by an employer's overreaching." *Lynn's Food Stores*, 679 F.2d at 1354. Absent extraordinary circumstances, moreover, any settlement will not be sealed or kept confidential. *Delock v. Dewitt*, No. 4:11-cv-520-DPM, *№ 70 at 3-4* (E.D. Ark. 16 Nov. 2012). The Court looks forward to getting the parties' joint motion to approve the proposal by 11 July 2013.

So Ordered.

D.P. Marshall Jr.
United States District Judge

28 June 2013